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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,835	10/30/2000	Bernhard Raaf	GR 98 P 2018P	8188

7590 04/10/2002

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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
2664	10

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<h3 style="margin: 0;">Office Action Summary</h3>	Application No. 09/699,835	Applicant(s) Raff et al
	Examiner Prenell Jones	Art Unit 2664
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Jan 14, 2002</u>		
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-18</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1, 2, 15, 16, and 18</u> is/are rejected.		
7) <input checked="" type="checkbox"/> Claim(s) <u>3-14 and 17</u> is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. § 119		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).		
Attachment(s)		
15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
20) <input type="checkbox"/> Other: _____		

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Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson in view of Dellande et al.

Regarding claims 1 and 2, Eriksson (Abstract, Figs. 6a and 6b, col. 1, line 53-59, col. 2, line 43 thru col. 3, line 67, col. 4, line 53-58) discloses a communication system that transmits and receives data between nodes, whereby the nodes include transmitters/receivers that transmit data frames and their associated discontinuous data fields/empty spaces/idle (interrupts) with respect to portions of a frame. However, Eriksson is silent on a continuous interruption phase to extend over a portion of one frame and over a portion of another frame that is successive to the previous frame. In analogous art, Dellande discloses (Abstract, col. 1, line 57 thru col. 2, line 24, col. 3,

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line 16-59, col. 9, line 53 thru col. 10, line 7) a communication circuit that includes a transmit portion/receive portion for communicating data, idle codes and continuous idle signals/break signals are used for synchronization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement consecutive frames that share continuous idle portions which is taught by Dellande because Eriksson's communication system performs calculations/measurements associated with discontinuous/continuous data wherein the use of continuous interruption/idle from frame to frame would increase redundancy and fluctuation in timing.

Regarding claim 15, as indicated above, Eriksson (Abstract, Figs. 6a and 6b, col. 1, line 53-59, col. 2, line 43 thru col. 3, line 67, col. 4, line 53-58) discloses a communication system that transmits and receives data between nodes, whereby the nodes include transmitters/receivers that transmit data frames and their associated discontinuous data fields/empty spaces/idle (interrupts) with respect to portions of a frame. Eriksson further discloses (col. 2, line 43 thru col. 3, line 20) the receiver used for to perform checking means (measurements).

4. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson in view of Dellande et al as applied to claim 1 above, and further in view of Park et al.

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Regarding claim 16, as mentioned above, Eriksson (Abstract, Figs. 6a and 6b, col. 1, line 53-59, col. 2, line 43 thru col. 3, line 67, col. 4, line 53-58) discloses a communication system that transmits and receives data between nodes, whereby the nodes include transmitters/receivers that transmit data frames and their associated discontinuous data fields/empty spaces/idle (interrupts) with respect to portions of a frame, and Dellande discloses (Abstract, col. 1, line 57 thru col. 2, line 24, col. 3, line 16-59, col. 9, line 53 thru col. 10, line 7) a communication circuit that includes a transmit portion/receive portion for communicating data, idle codes and continuous idle signals/break signals are used for synchronization. However, Eriksson and Dellande are silent on the receiving station and transmitter stations being associated with a CDMA mobile radio system. In analogous art, Park discloses (Abstract, Fig. 11, col. 1, 2, col. 6, line 67) a CDMA mobile communication system for performing handoffs which include a first/second frames that are divided into first/second intervals wherein there exists non-transmission intervals (idle/gap/interrupt) associated with the frames during the transmission of data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement transmitting/receiving data in a CDMA mobile communicating system which is taught by Park with the combined teachings of Eriksson and Dellande because Parks performs handoffs which depend on synchronization/timing between frames, whereas the combined teachings of Eriksson and Dellande uses continuous interruption/idle codes/signals from frame to frame for increasing redundancy/synchronization and fluctuation in timing.

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Regarding claim 18, as indicated above, Park discloses (Abstract, Fig. 11, col. 1 and 2) a CDMA mobile communication system for performing handoffs which include a first/second frames that are divided into first/second intervals wherein there exists non-transmission intervals (idle/gap/interrupt) associated with the frames during the transmission of data performed by a base station.

Allowable Subject Matter

5. Claims 3-14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3-10 and 14, the limitation “transmitting the data at a constant permanent transmission rate except for the data that is received immediately preceding/following a continuous interruption phase” is absent from the art

Regarding claim 11, the limitation “continuous interruption phase that extends over a portion of the first frame having a size that is equal to a size of the portion of the second frame” is absent from the art.

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Regarding claims 12 and 13, the limitation "distributing multiple continuous interruption phases in constantly recurring time intervals in at least one higher-level multi frame that includes multiple frames" is absent from the art.

Regarding claim 17, the limitation "the receiving station can interrupt performing an operation selected from the group consisting of receiving/transmitted data and processing the transmitted data" is absent from the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell Jones whose telephone number is (703) 305-0630. The examiner can normally be reached on Monday thru Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Prenell Jones

April 7, 2002



KWANG BIN YAO
PRIMARY EXAMINER

